

going to come back later on in the bankruptcy court and recover it. But Senator GRASSLEY has pointed out, I think appropriately, the situation where people give money to a charity or a church, and he says that should be considered in a different category. And I agree. As he has mentioned in the opening statement, there is a limitation in the law of 15 percent of your annual income that can be given in this fashion. So we don't anticipate any type of abuse in this area.

I thank Senator GRASSLEY. It is a pleasure to serve with him and work with him. We have more to follow on the bankruptcy issue, but I am anxious to encourage my Democratic colleagues today to join with us in voting for this legislation.

Mr. SARBANES. Will the Senator yield?

Mr. DURBIN. I will be happy to yield to the Senator from Maryland.

Mr. SARBANES. I am prompted by something the ranking member of the subcommittee said which leads me to put an inquiry to him and to Senator GRASSLEY.

There are a number of bankruptcy districts in the country that are facing very serious problems in handling their caseload. I have been in frequent communication with the subcommittee about this, and obviously my district is one of them. It has consistently now, for 4 or 5 years, ranked at the very top of case overload of all bankruptcy districts in the United States. Every study that has been made has recommended additional bankruptcy judges, and I note for a fact that the existing bankruptcy judges in my district are severely overworked. This is denying economic justice to both creditors and debtors. It is a matter which needs to be addressed. It is a pressing crisis.

Now, the House sent over to us some time ago legislation providing for some additional judges based on comprehensive studies undertaken by the Administrative Office of the Courts and by others. This session is moving along. If we don't get some relief, we are going to continue to have this extraordinary situation which exists in quite a number of districts across the country in terms of reducing their backlog. It is a very severe problem in a number of districts.

I am prompted by Senator DURBIN's reference, and Senator GRASSLEY's assent to it, as I understood it, there is more to follow. So I just put the inquiry whether this is one of the matters to follow. I would certainly hope so.

Mr. DURBIN. Mr. President, if I might say in response to my friend, the Senator from Maryland, I agree with him completely. We now know that the caseload in bankruptcy courts has been growing every single year. It really taxes the system, and if not in this legislation, in the following bill I hope we will provide the resources to make sure the bankruptcy courts can respond.

Mr. GRAMS. Mr. President, I rise in strong support of Senator GRASSLEY's bill, S. 1244, which exempts individual tithes to churches from bankruptcy proceedings. The exemption is up to 15 percent of income to prevent abuse.

This problem was brought to my attention by the Crystal Evangelical Free Church in Minnesota, which prompted my cosponsor of this important legislation. The Church was sued and required to repay tithes given to it by individuals who had declared bankruptcy. Churches depend on tithes for their income to operate effectively. They should not be liable for debt repayment of their parishioners.

This legislation is needed to protect churches from this kind of abuse. It is the right thing to do. I commend the Senator from Iowa for his effective leadership on this issue.

Mr. HATCH. Mr. President, I ask for the yeas and nays on the bill.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There seems to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the committee amendment is agreed to and the bill is read the third time. The question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—99

Abraham	Faircloth	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Breaux	Grassley	Nickles
Brownback	Gregg	Reed
Bryan	Hagel	Reid
Bumpers	Harkin	Robb
Burns	Hatch	Roberts
Byrd	Helms	Rockefeller
Campbell	Hollings	Roth
Chafee	Hutchinson	Santorum
Cleland	Hutchison	Sarbanes
Coats	Inhofe	Sessions
Cochran	Inouye	Shelby
Collins	Jeffords	Smith (NH)
Conrad	Johnson	Smith (OR)
Coverdell	Kempthorne	Snowe
Craig	Kennedy	Specter
D'Amato	Kerrey	Stevens
Daschle	Kerry	Thomas
DeWine	Kyl	Thompson
Dodd	Landrieu	Thurmond
Domenici	Lautenberg	Torricelli
Dorgan	Leahy	Warner
Durbin	Levin	Wellstone
Enzi	Lieberman	Wyden

NAYS—1

Kohl

The bill (S. 1244), as amended, was passed.

Mr. SESSIONS. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business until the hour of 2 p.m. today, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 1260

Mr. DOMENICI. Mr. President, I ask unanimous consent that at 2 o'clock, the Senate begin consideration of S. 1260 under the consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2072 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

EQUITY IN PRESCRIPTION AND CONTRACEPTION COVERAGE ACT

Mr. REID. Mr. President, yesterday's USA Today headline: "Viagra heightens insurance hopes for comfort care." The first paragraph says:

While health insurers try to decide whether to pay for the impotence drug Viagra, a poll shows half of Americans think men should pay for it themselves.

Mr. President, I will bet those half are women. Women have really been treated unfairly in this. Senator OLYMPIA SNOWE and I introduced legislation last May, the Equity in Prescription and Contraception Coverage Act, which in effect said that health care providers that provide prescription drugs should also provide contraceptives.

We have waited a year. We have not been able to even get a hearing on this. The reason I am here today is to speak for American women who have been treated so unfairly by male-dominated legislatures for the last many decades.

Women pay about 70 percent more for their health care than do men, mostly related to reproductive problems. We have a situation where we have 3.6 million unintended pregnancies in this country every year. And 45 percent of them wind up in abortions. We find these insurance companies, these health care providers, will pay for a tubal ligation, they will pay for abortions, they will pay for a vasectomy, but they will not provide money for the pill.

An average pregnancy, unintended pregnancy, in this country costs an average of about \$1,700. I say, why can't

we talk about something other than what helps men? Viagra is in all the newspapers, trying to make a decision as to whether or not insurance companies should pay for this. Why don't we talk about why insurance companies shouldn't pay for contraceptives, health care providers shouldn't pay for contraceptives? It seems that would be a step in the right direction. Over half of the insurance companies, health care providers, do not cover this.

Our legislation, that of the senior Senator from Maine and me, would require insurers, HMOs, and employee health benefit plans that offer prescription drug benefits to cover contraceptive drugs approved by the FDA. This is long overdue.

I am just telling everyone here that if we do not have the benefit of some hearings on this—the senior Senator from Maine and I have written letters, and we have asked people, and we cannot get the benefit of a hearing. This should not be. It would seem to me we should have a hearing with the Labor and Human Resources Committee.

I have had the benefit of speaking to the senior Senator from Pennsylvania, who has been very concerned about issues like this in the past. And at last resort, we will go to the Appropriations Committee and have a hearing there. We should not have it there, but at last resort we will have it there. I do not think it is appropriate that we have to legislate on appropriations bills, but as a member of the Appropriations Committee, on this, I am going to offer an amendment on the appropriate bill if we do not get some action by the proper authorizing committee. This is simply unfair—unfair—what is going on.

The same newspaper yesterday, in a different article, said:

Health insurers that cover the new impotence drug Viagra but don't pay for female contraception are guilty of "gender bias," says the American College of Obstetricians and Gynecologists today.

"Pregnancy is a medical condition, just like impotence. And the cost benefit of preventing pregnancy is much greater than treating impotence," says ACOG spokeswoman Luella Klein of Emory University.

Mr. President, it simply is unfair. Over this last decade, we have moved forward a little bit with the help of the junior Senator from Maryland, Senator MIKULSKI. She and I have worked together. We now have a program at the National Institutes of Health that deals with women's conditions.

But, Mr. President, over the years diseases that afflict women have been ignored. Interstitial cystitis—it is a disease that afflicts 500,000 women in America, a very serious disease of the bladder—until 8 years ago, there was not a penny spent on it for research. They said it was in a woman's head. They learned that is not the case. Now, as a result of work done at the National Institutes of Health, they have a drug that cures the effects of this on 40 percent of the women.

Multiple sclerosis, intercervical and ovarian cancer, and breast cancer, and

lupus—these diseases, for research, are basically ignored because they are diseases basically related to women principally.

I am saying here, this is really unfair what is going on here. We are spending so much time with all kinds of jokes on all the talk radio programs, all the TV programs, about Viagra. But it is not a joke that we have over 3.6 million unintended pregnancies, with 44 percent ending in abortion, in this country. And a lot of them are caused simply—in fact, the majority of them—simply because women cannot afford things like the pill.

We have to do something. Not only does it affect that, Mr. President, but a reduction in unintended pregnancies will lead to a reduction in infant mortality, low-birth-weight babies, and maternal morbidity. In fact, the National Commission to Prevent Infant Mortality determined that, "Infant mortality could be reduced by [more than] 10 percent if all women not desiring pregnancy used contraception."

So I think it is, again, unfair that tubal ligation, abortion, vasectomies, are covered and the pill, contraceptives, and contraceptive devices are not covered. In my opinion, we need to move this forward. We have the support of approximately 35 Senators in this body. We need a hearing, and we need to have this legislation passed.

I express my appreciation to the Senator from New York for allowing me to go before him.

The PRESIDING OFFICER. The Senator from New York is recognized.

NUCLEAR TESTING IN INDIA

Mr. MOYNIHAN. Mr. President, as the Senate will know, the Government of India has announced that two further underground nuclear tests occurred at 3:51, eastern daylight time, this morning. These follow the three underground explosions announced on Monday.

Now, this might at first seem a reckless act on the part of the Government of India. But, sir, I would call attention to a statement in an Associated Press report which reads, "The Government said its testing was now complete and it was prepared to consider a ban on such nuclear testing."

Sir, this could be a statement of transcendent importance. It would be useful at this time, when tempers—and I use the word "temper"—are rising in the West, to recall the outrage when France carried out a series of underwater tests in the South Pacific in Mururoa Atoll on September 5, 1995, to the indignation of many other nations, but thereupon signed the Comprehensive Test Ban Treaty the following year. And, sir, it has not only signed that treaty, it has ratified it.

The United States was among the convening nations in 1996 that signed the treaty, but this Senate has not ratified the treaty. The People's Republic of China followed much the

same course in completing a series of tests and then agreeing to the test ban treaty.

Just now the press is reporting all manner of administration officials are distressed that the Central Intelligence Agency did not report indications that these tests were about to take place and that somehow we were taken off guard. But I repeat a comment I made to Tim Weiner of the New York Times yesterday that it might help if the American foreign relations community would learn to read.

The BJP Party, the Bharatiya Janata Party—now in office for essentially the first time—leads the ruling coalition and has long been militantly asserting that India was going to be a nuclear power like the other great powers of the world. It is the second most populous nation. In the election platform—technically, a manifesto in the Indian-English usage—issued before the last election, the BJP had this to say: "The BJP rejects the notion of nuclear apartheid and will actively oppose attempts to impose a hegemonistic nuclear regime. . . . We will not be dictated to by anybody in matters of security requirements and in the exercise of the nuclear option."

This is hugely important, as is indicated by the enormous ground swell of support in India itself in the aftermath of Monday's explosion.

In the platform put together by the coalition that now governs in India, there is a statement, not quite as assertive, but not less so. This is the National Agenda for Governance, issued 18 March 1998. It says, "To ensure the security, territorial integrity and unity of India we will take all necessary steps and exercise all available options. Toward that end we will re-evaluate the nuclear policy and exercise the option to induct nuclear weapons." That is an Indian-English term, "induct," as in induction into the military. It means to bring them into an active place in the Nation's military arsenal.

Now, the President, who is in Germany, announced today that we would impose the sanctions required under law, the Glenn amendment of 1994, directed against non-declared nuclear nations that begin nuclear testing. This is the law and the Indians knew it perfectly well, even if we have, perhaps, been insufficiently attentive to bringing to their minds the implications of the law. Chancellor Kohl—Germany being a large supplier of aid to India—was with President Clinton when this was said. We should not underestimate the degree to which this might just arouse further resentment in India.

The law is there, but also the resentment is there. In this National Agenda for Governance that I just recited, there are a number of platform "planks," you might say principles. The second on economy reads: "We will continue with the reform process to give a strong Swadeshi thrust to ensure that the national economy grows